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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/786,576   | 02/24/2004  | William A. McCarty   | KSCII.016A                      | 1813                        |
| 20995 7590 08/28/2007<br>KNOBBE MARTENS OLSON & BEAR LLP<br>2040 MAIN STREET<br>FOURTEENTH FLOOR<br>IRVINE, CA 92614 |             |                      | EXAMINER<br>PAUL, DISLER        |                             |
|  |             |                      | ART UNIT<br>2615                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>08/28/2007 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/786,576             |  | MCCARTY ET AL.      |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Disler Paul            |  | 2615                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-48 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/26/04</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6; 9; 11-13,15; 19,21,24-25,33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 2005/0047616 A1).

RE claim 1, Lee disclose of the modular mounting bar for securing components to a surface (fig.1-10), comprising: a plurality of audio-visual modules (fig.5-8; page 1[0002] line 10-17; page 1[0003]); a rail configured to be attached to the surface at one of a plurality of locations along the rail and configured to receive a module at one of a plurality of locations along the rail (fig.5-8 (26)); and a cover configured to be secured in front of at least a portion of one of the modules (page 1[0006] line 11-15).

Re claim 2, Lee discloses a modular mounting system for audio-visual components (fig.1-10), comprising: at least one audio-visual module (fig.5-8; page 1[0002] line 10-17; page 1[0003]); and a rail

Art Unit: 2615

wherein the rail is configured to be attached to a surface, and  
wherein the rail is configured to receive the module (fig.5-8 (26)).

Re claim 3, the modular mounting system of claim 2, further  
comprising: a cover that is configured to be securely positioned in  
front of the module (page 1[0006] line 11-15).

Re claim 4, the modular mounting system of claim 3, wherein the  
cover is configured to be secured to the at least one module (page  
1[0006] line 11-15).

Re claim 5, the modular mounting system of claim 3, wherein the  
cover comprises a grille (page 1[0006] line 11-15).

Re claim 6, the modular mounting system of claim 2, wherein the  
rail comprises a plurality of openings configured to receive a  
fastener (fig.5-7 (38,40,26) wherein speakers and others may be  
fastened).

Re claim 9, the modular mounting system of claim 2, wherein the  
at least one audio-visual module comprises a loudspeaker (fig.5-  
7(26)).

Art Unit: 2615

Re claim 11, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises an amplifier (page 1[0005] line 11-20 and par [0004] line 11-17; fig.5 (38)).

Re claim 12, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a television tuner (page 2[0028]) & page 1[0005] line 11-20 and par [0004] line 11-17; fig.5 (38)).

Re claim 13, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises an audio-visual controller (page 2[0028]).

Re claim 15, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a wireless receiver (page 2[0028]/received remote control commands)).

Re claim 19, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a central processing unit (CPU) (page 2[0028]/A/V processing)).

Art Unit: 2615

Re claim 21, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises an audio-visual signal distribution system (page 2[0028]).

Re claim 24, Lee discloses the method of mounting audio-visual components to a surface (fig.1-10), comprising: securing a rail to the surface (fig. 3A-B; page 2[0024] line 3-10); and connecting an audio-visual component to the rail (fig.5-10/speakers wt plasma TV).

Re claim 25, the method of claim 24, further comprising connecting at least one additional audio-visual component to the rail (fig.5(38); page 1[0005] line 11-20).

Re claim 33, Lee disclose of the modular mounting bar for securing components in proximity to a display having a width (fig.3A-B, page 2 par.[0024]), comprising: a rail having mounting locations for audio-visual components (fig.5-8); and means for connecting an audio-visual component to multiple locations on the rail so that component locations match the width of the display (fig.6(26)).

Re claim 34, the module mounting bar of claim 33, further comprising means for connecting at least one additional audio-visual component to the rail (fig.5 (38); page 2 par.[0028]).

Art Unit: 2615

3. Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Dudleston et al. (US 2003/0123679 1).

Re claim 22, Dudleston et al. disclose of a method of mounting audio-visual components to a surface (fig.1,3), comprising: securing a rail having portions thereof that define a channel to the surface (fig.1 wt (60,70)); and securing at least one audio-visual component having attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail (fig.1 (20); page 2[0018]).

Re claim 23, the method of claim 22, further comprising: securing a cover to the component so as to secure the cover in a desired location on the component (fig.1 (80)).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2615

5. Claims 10,16-18,20,26-31,35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lee (US 2005/0047616 A1) and further in view of Official Notice.

Re claim 10, Lee disclose of the modular mounting system of claim 2, wherein the audio-visual module may comprise of a tuner and other electrical apparatuses may be incorporated (page 1 par[0005] line 11-20), However, Lee fail to disclose of the detail wherein the at least one audio-visual module comprises a DVD player. But, official notice is taken that the concept of having such receiver being a DVD player is commonly known in the art, thus it would have been obvious to have incorporated the additional module comprises a DVD Player for the purpose of enabling playing of recorded video.

Similarly, Re claims 16-18,20 have been analyzed and rejected with respect to claim 10 above.

Re claim 35, Lee disclose of a modular mounting bar for securing components in proximity to a display having a width (fig.5-8), comprising: at least one module audio-visual-module (page 1 par[00003]); a railing having a length no greater than the display width and having several mounting holes at each of a plurality of module mounting locations to match module mounting to display width



Art Unit: 2615

(fig.1-6); and a cover with the display width for better matching the appearance of the flat panel monitor and the room décor with the speakers length being approximately the same as the display width (page 1 par[0006] line 11-15), However, Lee fail to disclose the specific length being substantially the same as the display width. However, official notice is taken that with the above disclosure, it would have been obvious to have incorporating the specific of having the length being substantially the same as the display width for better matching the appearance of the flat panel monitor with the speaker length.

Re claims 36-48 have been analyzed and rejected with respect to claims 9-21 respectively.

Re claim 26, Lee discloses the assembly for mounting audio-visual components for use with a wall-mounted display (fig.8-9), the assembly comprising: at least two audio-visual modules comprising loudspeakers (fig.8(26)); a rail wherein the rail is configured to be attached to a surface (fig.3a-b), and wherein the rail is configured to receive the module (fig.8; page 1 par[0003]); and a cover (page 1 par[0006] line 11-15), ), However, Lee fail to disclose the specific having a dimension approximately equal to a length of the display . However, official notice is taken that with the above disclosure, it would have been obvious to have incorporating the specific of having the specific

Art Unit: 2615

having a dimension approximately equal to a length of the display for the purpose of better matching the appearance of the flat panel monitor with the speaker length, while, Lee disclose of the above, He is silent in regard to the defining a mating relationship with the at least two modules. However, Lee did disclose of having terminals for the speakers and producing enhanced acoustic experience with the Flat panel tv and the speakers and receiving speaker signals from the flat panel monitor (page 1[0003-4,003], thus with the above disclosure by Lee it is inherent of the existence of having such a mating relationship with the at least two modules (speakers, flat monitor).

Re claim 27, the assembly of claim 26, wherein the cover is configured to be coupled to the modules (page 1[0006] line 11-15).

Re claim 28, the assembly of claim 26, wherein the cover is configured to be coupled to the rail (page 1[0006] line 11-15)/rail wherein speakers are connected thus inherently coupled).

Re claim 29, the assembly of claim 26, wherein the cover comprises a grille (page 1[0006] line 11-15).

Re claim 30, the assembly of claim 26, further comprising a third module comprising a loudspeaker (fig.5-6/multiple speakers module).

Art Unit: 2615

Re claim 31, the assembly of claim 26, further comprising a module comprising an amplifier (fig.5 (38); page 3 par[0028]).

6. Claims 14,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lee (US 2005/0047616 A1) and further in view of Annaratone (6,151,401).

Re claim 14, the modular mounting system of claim 2 with the audio-visual module comprises a transmitter (fig.5-8 (26) speaker), However, Lee fail to disclose of the transmitter being wireless. But, Annaratone disclose a system with the further limitation of having the wireless transmitter (col.3 line 54-57) for the purpose of providing simpler connections between the modules.

Re claim 32, has been analyzed and rejected with respect to claim 14 above.

***Allowable Subject Matter***

7. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

  
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